



February 23, 2001

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## HOUSE BILL No. 1062

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DIGEST OF HB 1062 (Updated February 21, 2001 8:28 PM - DI 98)

**Citations Affected:** IC 12-7; IC 12-17.2; noncode.

**Synopsis:** Child care. Allows a class I child care home to serve a school age child during a break in the school year that exceeds four weeks if: (1) the school age child was at the home part-time during the four months preceding the break or has a sibling attending the child care home; and (2) the child care home and its licensee meet certain requirements. Removes the requirement that a person reside in a child care home to qualify for a license to operate a class II child care home. Lifts the July 1, 1996, moratorium imposed on the licensure of class II child care homes. Changes the definition of "child care center". (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

**Effective:** July 1, 2001.

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### Tincher, Crawford, Budak

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January 8, 2001, read first time and referred to Committee on Human Affairs.  
February 22, 2001, amended, reported — Do Pass.

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HB 1062—LS 6209/DI 98+



February 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1062

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-7-2-28.4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.4. ~~(a)~~ "Child care  
3       center", for purposes of IC 12-17.2, means a **nonresidential** building  
4       where at least ~~seventeen (17) children receive one (1) child receives~~  
5       child care from a provider:

- 6               (1) while unattended by a parent, legal guardian, or custodian;  
7               (2) for regular compensation; and  
8               (3) for more than four (4) hours but less than twenty-four (24)  
9       hours in each of ten (10) consecutive days per year, excluding  
10       intervening Saturdays, Sundays, and holidays.

11       ~~(b) The term includes a building where child care is provided to less~~  
12       ~~than seventeen (17) children if the provider has applied for a license~~  
13       ~~under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4.~~

14       SECTION 2. IC 12-7-2-33.7 IS AMENDED TO READ AS  
15       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.7. (a) As used in this  
16       chapter, "class I child care home" means a child care home that serves  
17       any combination of full-time and part-time children, not to exceed at

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any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. **Except as provided in subsection (c),** the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and

(2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

**(c) A child care home may serve a school age child during a break in the school year that exceeds four (4) weeks if the following conditions are met:**

**(1) The school age child:**

**(A) was in the home part-time during the four (4) months preceding the break; or**

**(B) has a sibling attending the child care home.**

**(2) The child care home meets the following requirements:**

**(A) Provides at least thirty-five (35) square feet for each child.**

**(B) Maintains the child to staff ratio required under rules adopted by the division for each age group of children in attendance.**

**(C) Provides age appropriate toys, games, equipment, and activities for each age group of children enrolled.**

**(D) If the licensee does not reside in the child care home, the child care home has:**

**(i) at least two (2) exits that comply with the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission;**

**(ii) an illuminated exit sign over each required exit; and**

**(iii) emergency lighting for each required exit.**

**(3) The licensee for the child care home has maintained a class I child care home license for at least twelve (12) children:**

**(A) for at least one (1) year; and**

**(B) without any citations for noncompliance.**

**(4) If the licensee does not reside in the child care home, the licensee must, upon application for a license, meet the following requirements:**

**(A) Provide documentation to the division that the licensee**



has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

**(B) Provide documentation to the division that the licensee:**

**(i) has completed;**

**(ii) is enrolled in; or**

**(iii) agrees to complete within the next two (2) years;**

**a child development associate credential program or a similar program approved by the division.**

**The division may grant a waiver or variance of the requirement under clause (B).**

SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

~~(7) Reside in the child care home:~~

~~(8)~~ (7) Apply for a license before July 1, 1996, **or after June 30, 2001.**

~~(9)~~ (8) Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home

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- 1 under this chapter, a person, before applying for the license, must have:  
2 (1) a class I child care home license; or  
3 (2) at least one (1) year of experience as a caregiver in a child  
4 care home or child care center.

5 SECTION 4. [EFFECTIVE JULY 1, 2001] **The amendments made**  
6 **by this act to IC 12-7-2-33.7 do not apply to a person who was**  
7 **issued a license for a class I child care home before July 1, 2001.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-28.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.4. ~~(a)~~ "Child care center", for purposes of IC 12-17.2, means a **nonresidential** building where at least ~~seventeen (17) children receive one (1) child receives~~ child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

~~(b) The term includes a building where child care is provided to less than seventeen (17) children if the provider has applied for a license under IC 12-17.2-4 and meets the requirements under IC 12-17.2-4."~~

Page 2, after line 25, begin a new line block indented and insert:

**"(4) If the licensee does not reside in the child care home, the licensee must, upon application for a license, meet the following requirements:**

**(A) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.**

**(B) Provide documentation to the division that the licensee:**

- (i) has completed;**
- (ii) is enrolled in; or**
- (iii) agrees to complete within the next two (2) years; a child development associate credential program or a similar program approved by the division.**

**The division may grant a waiver or variance of the requirement under clause (B).**

SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana



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building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

- (A) hard wired to the building's electrical system; and
- (B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

~~(7) Reside in the child care home:~~

~~(8) (7)~~ Apply for a license before July 1, 1996, **or after June 30, 2001.**

~~(9) (8)~~ Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center.

**SECTION 4. [EFFECTIVE JULY 1, 2001] The amendments made by this act to IC 12-7-2-33.7 do not apply to a person who was issued a license for a class I child care home before July 1, 2001."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1062 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 13, nays 0.



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